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PATENT

Attorney Docket No. 47382.000060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: James H. JOHNSON)
John DIDOMENICO)
Original Patent No.: 5,812,249)
Original Issue Date: September 22, 1998)
Reissue Application No.: 09/667,693)
Filing Date: September 22, 2000)

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**PETITION TO ACCEPT REISSUE DECLARATION EXECUTED BY ASSIGNEE DUE
TO MISSING AND UNWILLING INVENTORS AND
PETITION FOR EXTENSION OF TIME**

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Sir:

**PETITION TO ACCEPT REISSUE DECLARATION EXECUTED BY ASSIGNEE DUE
TO MISSING AND UNWILLING INVENTORS**

Responsive to the Notice to File Missing Parts of Reissue Application mailed October 26, 2000, this is a petition under 37 C.F.R. § 1.47(b) for the Commissioner to accept a reissue declaration executed by the assignee of the above referenced patent.

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01 FC:118 1390.00 OP

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02 FC:122 130.00 OP

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The following associated materials are enclosed:

- 1) petition fee of \$130.00;
- 2) late declaration surcharge of \$130.00;
- 2) Reissue Application Declaration by Assignee; and,
- 3) Declaration in Support of Petition to Accept Reissue Declaration Executed by Assignee (and associated exhibits).

Petitioner has been unsuccessful in gaining the cooperation of either named inventor after diligent effort. Therefore, petitioner respectfully requests that the Patent Office accept the enclosed reissue declaration executed by the assignee's representative. Petitioner believes the enclosed Reissue Application Declaration by Assignee fulfills the oath required by 37 CFR 1.63 and 1.64 or 1.175. The relationship to the inventor is made clear in that petitioner has previously provided a certificate pursuant 37 CFR 3.73(b) demonstrating its position as assignee of the original application and fulfilling 37 CFR 1.47(b). The attached Declaration in Support of Petition to Accept Reissue Declaration Executed by Assignee is believed to provide sufficient proof that the inventors (1) cannot be found or reached after diligent effort or (2) refuse to execute the application papers. The last known addresses of the inventors are:

James H. Johnson
Residence: Tucson, Arizona
Post Office Address: 4401 W. Crestview Road, Tucson, AZ 85475
Citizenship: U.S.A.

John DiDomenico
Residence: Tucson, Arizona
Post Office Address: 8810 E. Bear Paw Place, Tucson, AZ 85749
Citizenship: U.S.A.

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The filing of the application was necessary to preserve the rights of the parties or prevent irreparable harm. The original patent was wholly or partially inoperative or invalid by virtue of the applicants claiming less than they were entitled to claim. A broadening reissue was necessary to correct these errors. The application was filed on the last day that a broadening reissue is available pursuant 35 USC § 251 in order to prevent loss of the right to correct the patent.

Entry of the enclosed Reissue Application Declaration by Assignee is hereby respectfully requested.

PETITION FOR EXTENSION OF TIME

Petitioner respectfully requests an extension of time for four months from the original responsive filing deadline of December 26, 2000 to April 26, 2001. Enclosed is the petition fee of \$1390.00 pursuant 37 CFR 1.136 and 1.17(a).

CONCLUSION

A check in the amount of \$1650.00 is enclosed to cover the three fees identified above. Petitioner believes no additional fees to be necessary. However, in the event that the enclosed fees are insufficient, the Commissioner is hereby authorized to charge any fee deficiency to Deposit Account No. 50-0206.

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Petitioner would be happy to provide any further information or assistance which may help expedite the petition. If such additional information or assistance is desired, please contact petitioner at the telephone number below.

Respectfully submitted,

Hunton & Williams

Dated: April 26, 2001


Devin S. Morgan, Reg. No. 45,562

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